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FACSIMILE TRANSMITTAL SHEET

TO: Office of Finance
FIRM/COMPANY: US PTO
FACSIMILE NUMBER: 571.273.6500
**CONFIRMATION
TELEPHONE:** 571.272.6500
FROM: Stephan P. Gribok
DIRECT DIAL: 215.979.1283
DATE: March 3, 2006
USER NUMBER: 1023
FILE NUMBER: D5053-00031
**TOTAL # OF PAGES:
(INCLUDING COVERSHEET)** 2
MESSAGE: Re: **U.S. Patent Application No. 10/781,179
Filed February 18, 2004)
Request for Refund**

NOTE: Original will not follow

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/781,179
 Filing Date : February 18, 2004
 Title : OPHTHALMIC FLUID
 Docket No. : D5053-00031
 Customer No. : 08933

CERTIFICATE OF TRANSMISSION
 UNDER 37 CFR 1.4

I hereby certify that this correspondence and the
 enclosure mentioned therein is being facsimile
 transmitted to the United States Patent and
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Richard A. Paikoff
 Richard A. Paikoff, Reg. No. 34,892
 3/3/06
 Date

REQUEST FOR REFUND

Office of Finance
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that a refund in the total amount of \$510 be credited to Deposit Account No. 04-1679. A Notice of Appeal was submitted to the U.S. Patent Office via facsimile on December 15, 2003. This was an error as the Notice of Appeal had not been signed by the responsible attorney and the authorization to charge the deposit account \$500 was at the large entity rate. However, the Deposit Account was charged \$510.

Applicant is a small entity, as was established at the time the application was filed and as has been reflected in the Patent Office records. The first Notice of Appeal was submitted in error. A second and correct Notice of Appeal was submitted via facsimile that same day and correctly authorized a charge to the Deposit Account at the small entity rate of \$250.

As the fee for submitting a Notice of Appeal was correctly paid at the small entity rate, it is now respectfully requested that the erroneous charge of \$510 be credited to Deposit Account 04-1679.

Respectfully submitted,

Dated: 3/3/06

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